

Appl. Ser. No. 09/938,023  
Amendment Dated April 1, 2005  
Reply to Office Action of November 3, 2004

**Amendments to the Drawings**

The attached Replacement Sheet (6/8) of drawing includes a change in Figure 6 to correct certain recitation in the flow diagram. This correction is shown on the attached Annotated Sheet of drawing.

Please replace the English language version of sheet 6/8 of the formal drawings originally filed with this application with the attached Replacement Sheet. No new matter has been introduced in the Replacement Sheet.

Applicants have noted that this application was published with the German language version of the drawings. Applicants request that the English language version of the formal drawings filed with this application and including the Replacement Sheet attached hereto, be used for any further publication.

#### REMARKS/ARGUMENTS

Responsive to the Office Action, Applicants have amended Claim 14 to overcome the rejection under 35 U.S.C. 112. Claims 13, 21 and 31 have been amended to more clearly distinguish patentably over the prior art of record.

Claims 13 through 34 remain in this application and reconsideration for allowance of Claims 13 through 34, as amended, is requested for the cogent reasons set forth herein.

In the Office Action, the Examiner has rejected Claims 13 through 34 under 35 U.S.C. 102(e) as being anticipated by the disclosure of U.S. Patent 6,233,567 to Cohen. The Cohen reference discloses certain features regarding a method and apparatus for distributing software licenses, including receiving a registration identifier for a client licensee, generating a registration key based on the registration identifier and transmitting the registration key to the client or licensee by a licenser. Cohen discloses generation of a registration key depending on a machine unique identifier (58) and a registration number generator (90). Cohen further discloses the storage of an encrypted registration key (68), decryption (66) and an equality test (70) dependent on the machine unique identifier (58). Communication may be over a network (96, 97, 98) encrypted by a key (62, 94).

Conversely, the invention set forth in Claims 13 through 34 includes a method and system for generation of a license to use protected software or digital content by a licenser, the license depending at least on a firm code (FC), a firm key (FK)

and user code (UC) which is independent from the licensee or a machine specific parameter of the licensee's system. The procedure on the licensee's system is authenticated using a key which is not licensee specific and instead a random session identifier is generated at the licensee system. Data is transferred to storage with the Firm Code (FC) and a Firm Key (FK) is then transferred, encrypted twice by a public serial key (SKp) and the public box key (BKp) and the data is transferred to store the user item with a second step encrypted by the public serial key (SKp). This procedure allows the storage of a large number of independent license parameters for different licensors. The license parameters allow flexible license models including activation dates, expiration dates, number of concurrent users in a local network of the licensee as well as secure pay per use schemes and secure additional data storage inside the license parameters. The procedure uses "time certificates" transferred to the licensee over the network (Internet) which avoids manipulation of activation or expiration dates of licenses. A product utilizing these principles has been a commercial success for the assignee of the above-identified patent application and commercially available under the trade name CodeMeter, and CodeMeter-Stick. A copy of a brochure describing certain features of the commercial product is enclosed.

With regard to the rejection of Claim 13, Applicants request reconsideration for allowance of this claim, as amended, in that Cohen fails to disclose or suggest the provision at

least of encoding of the software dependent on a secret firm key (FK) freely selected by the licenser. Cohen suggests the provision of a registration key in an equality test procedure (70) used to enable or disable the use of the software. Claim 13 further requires initialization of encoding of the software dependent on the secret firm key (FK) freely selected by the licenser. Claim 13 still further requires encoding of the transmission of the license parameters dependent in a secret Private Serial key (SK) generated at the licensee's site. Accordingly, these elements and steps in Claim 13 are distinct from the disclosure of Cohen since Cohen discloses a secret key ( $K_s$ ) at the vendor or licenser site and a public key (PK) at the licensee site. Moreover, there is also only one registration key provided in Cohen. Reconsideration for allowance of Claim 13, as amended, is respectfully requested.

With regard to Claim 14, Cohen describes, in general, public cryptography. However, Claim 14 requires, as amended, that the secret Private Serial Key (SK) is produced randomly at the licensee without a person being able to influence such production. Reconsideration for allowance of Claim 14 is also requested.

With regard to dependent Claim 15, Cohen discloses that the stored registration key of Cohen is checked in an equality test procedure. However, Claim 15 requires the signature of transmission of the license parameters from the licenser to the licensee dependent on a unique serial number assigned to the

licensee. An equality test procedure as disclosed by Cohen is not required according to the combination of Claims 13 and 15.

With regard to Claim 16, Applicants respectfully submit that Cohen fails to disclose or suggest the provision of the steps of assigning a secret firm common key (FCK) produced from a common key (CK) through encoding dependent on the firm code (FC) of the licenser and that the installation, changing or deletion of the license parameters occurs dependent on the (FCK). The generalized discussion of providing maximum security for the operating system as set forth in column 6, line 63 through column 7, line 8 of Cohen does not anticipate the subject matter of Claim 16.

Reconsideration for allowance of Claim 17 and Claims 18 through 20 dependent thereon is requested. Cohen fails to disclose the storage of license parameters within a protective device comprising a hardware supplement, nor the decoding of the protected software by means of an encoder and decoder as required by Claim 18, nor that the hardware supplement contains a limiter secure against manipulation that limits the time period and/or the number of decodings, as required by Claim 19, nor an arrangement wherein a secret private box key (BK) is stored in the protective device and wherein encoding of the transmission of license parameters between the licenser and the licensee occurs dependent on the (BK).

Reconsideration for allowance of Claim 21, as currently amended, is requested. In the Office Action the Examiner rejected Claim 21 over Cohen indicating that Cohen discloses a

protective device for use in a process of Claim 13 which includes an interface and a microprocessor, as illustrated in Figure 1 of Cohen. Claim 21 has been amended to recite that the encoder and decoder set forth in the claim is connected to the interface for the automatic decoding of software or data dependent on the stored license parameters. In at least these respects Claim 21, as amended, is believed to distinguish over Cohen which discloses network interfaces 54 and 82 enabling communication between licensor and licensee via the Internet. Still further, the microprocessor set forth in Claim 21 is independent of licensor's and licensee's computer and is embedded in the protective device connected to the licensee computer.

Reconsideration for allowance of Claims 22 through 24, each dependent on Claim 21, is requested for the reasons set forth above in support of the patentability of Claim 21.

Reconsideration for allowance of Claim 25 is requested at least for the reasons set forth above in support of the patentability of amended Claim 13. Claim 25 recites, *inter alia*, "producing the secret private serial key (SK) randomly at said licensee; . . ." As pointed out hereinabove, the Cohen reference fails to disclose or suggest random production of a private serial key at the licensee site. Cohen provides a secret key at the vendor site and a public key at the client (licensee) site which is unlike the arrangement required by Claim 25. Reconsideration for allowance of Claim 25 is requested.

Claims 26 through 30 remain dependent on Claim 25 and are believed to be patentable at least for the reasons set forth in support of the patentability of Claim 25. With regard to Claim 29, in particular, the Cohen reference discloses time limiting only of a registration key. Claim 29 requires a limiter in the protective device secure against manipulation that limits the time period and/or the number of decodings of the protected software or data or so-called time certificates. Cohen does not disclose the use of time certificates. With regard to Claim 30, Cohen does not disclose or suggest the provision of a key similar to the private box key (BK) nor does Cohen disclose the encoding of the transmission of license parameters between the licensor and the licensee dependent on the private box key.

Reconsideration for allowance of Claims 31 through 34 is requested. With regard to Claim 31, as amended, the claim recites a protective device for use in a procedure which includes encoding of software by a licensor dependent on license parameters, the device including an interface for connection with a computer of licensee and an encoder and decoder connected to the interface for automatic decoding of software or data dependent on the stored license parameters. In at least these respects Claim 31, as amended, is believed to distinguish over the prior art. As mentioned herein previously, the Cohen reference discloses interfaces (54 and 82) (network adapters) but does not provide an interface at the licensee computer which is in communication with the computer and an encoder and

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decoder. Accordingly, Claim 31 is believed to distinguish over the Cohen reference.

Claim 32 through 34 remain in the application dependent on Claim 31, as amended, and are believed to be patentable at least for the reasons set forth in support of the patentability of amended Claim 31.

Applicants have made a diligent effort to advance the prosecution of this application by amending claims and by pointing out with particularity herein how the claims as amended distinguish patentably over the prior art. An early Notice of Allowance of Claims 13 through 34 is respectfully solicited.

Respectfully submitted,

Date: April 1, 2005

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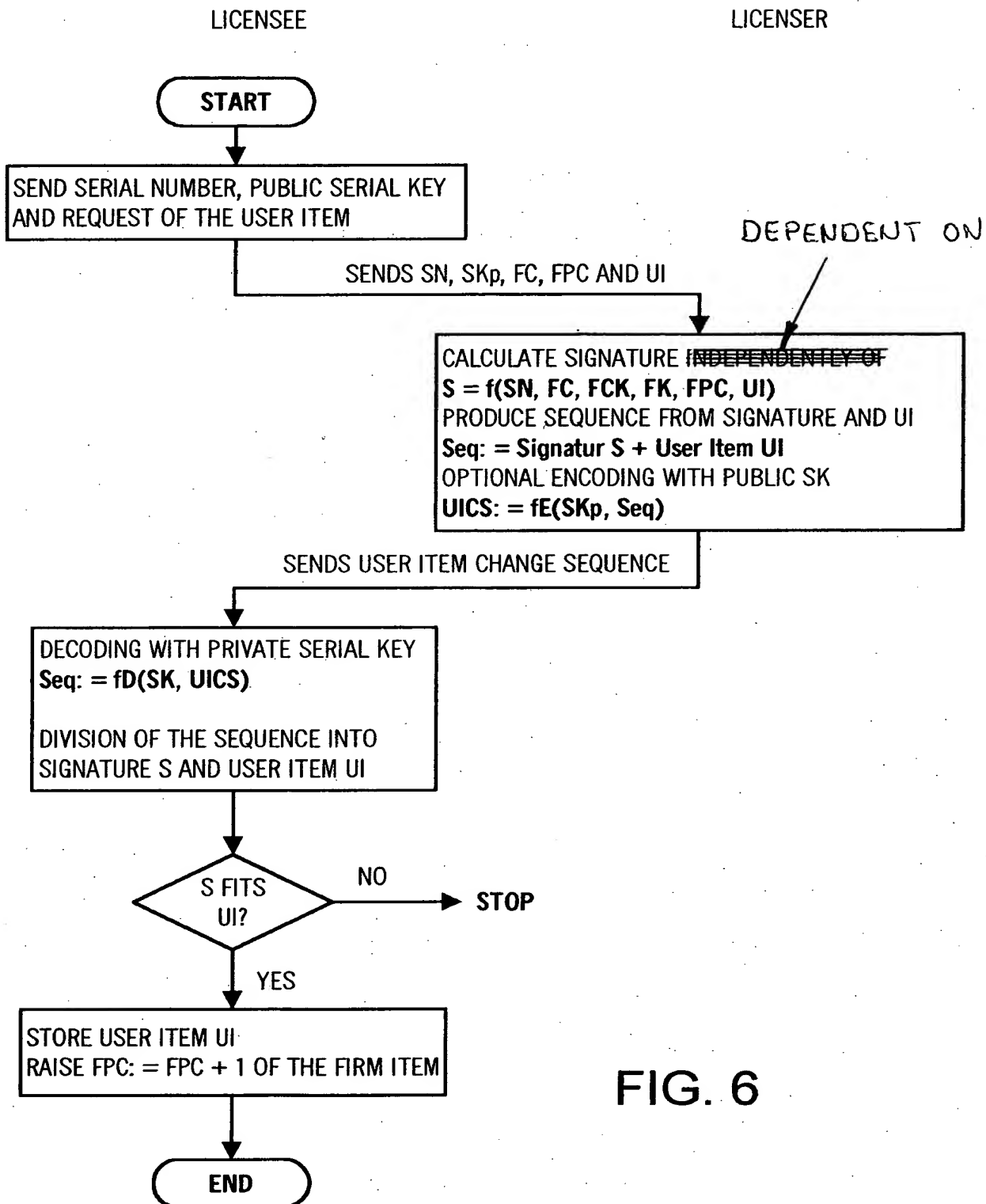


FIG. 6